

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
)
vs.) CAUSE NO. 1:20-cr-00064-JMS-TAB
)
DEJEAN PHELPS,) - 01
Defendant.)

REPORT AND RECOMMENDATION

On July 30, 2025, the Court held a revocation/disposition hearing on the Petition for Warrant or Summons for Offender under Supervised Release filed on July 14, 2025, and order granting Petition on July 15, 2025. [Filing Nos. 42, 43.] Defendant appeared in person with his appointed counsel Joe Cleary. The government appeared by Tiffany Preston, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jamie Roberts.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. Defendant had an initial appearance on the Petition on July 14, 2025, at which time the Defendant requested a continuance of the revocation/disposition hearing. [Filing No. 51.]
2. After being placed under oath, Defendant admitted violation numbers 1 and 2. [Filing Nos. 42, 43.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- | | |
|---|---|
| 1 | "You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid |
|---|---|

prescription from a licensed medical practitioner. You shall follow the prescription instructions regarding frequency and dosage."

On July 10, 2025, Mr. Phelps provided a urine sample for testing with him admitting to using pills he knew to be illegal controlled substances on July 1 and 2, 2025. The sample tested positive for fentanyl.

As previously reported to the Court, Mr. Phelps tested positive for amphetamines and fentanyl on December 30, 2024, March 20, 2025, and May 19, 2025. The December 30, 2024, also tested positive for cocaine.

- 2 **"You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program. The probation officer shall supervise your participation in the program (provider, location, modality, duration, intensity, etc.). The court authorizes the release of the presentence report and available evaluations to the treatment provider, as approved by the probation officer."**

As previously reported to the Court, Mr. Phelps was provided an intake date of July 2, 2025, for the Turning Point in-patient treatment program. Mr. Phelps reported to the intake on July 2, 2025; however, due to his level of intoxication from the illegal substances he used earlier in the day and the day prior, he was turned away from the program.

4. The parties stipulated that:
- (a) The highest grade of violation is a Grade B violation.
 - (b) Defendant's criminal history category is V.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 18 to 24 months imprisonment.

5. The parties jointly recommended a sentence of one year and one day of imprisonment with 18 months of supervised release to follow. Defendant requested placement at a Bureau of Prison with the lowest minimal security as possible and as close to Indianapolis, Indiana as possible.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a) and § 3583(e), and as more fully set forth on the record, finds that the Defendant violated the

conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of one year and one day of imprisonment with 18 months of supervised release to follow. In addition to the mandatory conditions of supervision, the following conditions of supervised release will be imposed:

1. You shall report to the probation office in the district to which you are released within 72 hours of release from the custody of the Bureau of Prisons.
2. You shall report to the probation officer in a manner and frequency directed by the court or probation officer.
3. You shall permit a probation officer to visit you at a reasonable time at home, or another place where the officer may legitimately enter by right or consent, and shall permit confiscation of any contraband observed in plain view of the probation officer.
4. You shall not knowingly leave the judicial district without the permission of the court or probation officer.
5. You shall answer truthfully the inquiries by the probation officer, subject to your 5th Amendment privilege.
6. You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.
7. You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in residence occupants, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.
8. You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.
9. You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.
10. You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.

11. You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
12. As directed by the probation officer, you shall notify third parties who may be impacted by the nature of the conduct underlying your current or prior offense(s) of conviction and shall permit the probation officer to make such notifications and/or confirm your compliance with this requirement.
13. You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.
Justification: Conditions 1-13 are considered administrative in nature and will enable the probation officer to effectively supervise the offender within the community.
14. You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner. You shall follow the prescription instructions regarding frequency and dosage.
15. You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall not attempt to obstruct or tamper with the testing methods.
16. You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program. The probation officer shall supervise your participation in the program (provider, location, modality, duration, intensity, etc.). The court authorizes the release of the presentence report and available evaluations to the treatment provider, as approved by the probation officer.
Justification: Conditions 14-16 are recommended given the offender's significant history of substance abuse. This condition will assist in monitoring his sobriety and assist in providing substance abuse treatment services if necessary.
17. You shall participate in a mental health treatment program, as approved by the probation officer, and abide by the rules and regulations of that program. The probation officer, in consultation with the treatment provider, shall supervise participation in the program (provider, location, modality, duration, intensity, etc.). You shall take all mental health medications that are prescribed by your treating physician. The court authorizes the release of the presentence report and available evaluations to the treatment provider, as approved by the probation officer.
18. You shall pay the costs associated with the following imposed conditions of supervised release, to the extent you are financially able to pay: mental health treatment. The probation officer shall determine your ability to pay and any schedule of payment.
Justification: This condition is recommended given the offender's prior mental health diagnosis and the need for ongoing therapy and medication management.

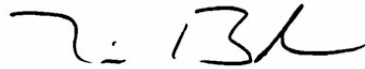
19. You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary. You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches. Justification: This condition is recommended given the offender's criminal history including firearms offenses, offenses of violence, and substance abuse. This will assist in monitoring his compliance on supervision and add a measure of protection for the community.

Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge makes a recommendation of placement at a Bureau of Prison with the lowest minimal security as possible and as close to Indianapolis, Indiana as possible.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 7/30/2025



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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